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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,733	09/04/2003	Akihiro Inokuchi	JP920020106US1 (590.117)	4777
35195	7590	02/24/2006	EXAMINER	
FERENCE & ASSOCIATES 409 BROAD STREET PITTSBURGH, PA 15143			CUNNINGHAM, GREGORY F	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/656,733

Applicant(s)

INOKUCHI ET AL.

Examiner

Gregory F. Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 4-7, 10-13, 16, 17, 19 as being non-elected is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 9, 14, 15, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications of application received 11/30/2005.
2. The disposition of the claims is as follows: claims 1 - 20 are pending in the application. Claims 1, 4, 8, 10, 14, 16 and 18-20 are independent claims. Claims 1-3, 8, 9, 14, 15, 18 and 20 of Group I have been provisionally elected.
3. When making claim amendments, the applicant is encouraged to consider the references in their entireties, including those portions that have not been cited by the examiner and their equivalents as they may most broadly and appropriately apply to any particular anticipated claim amendments.

#### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1, 8, 14, 18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "designated sorts" in claims 1, 8, 14, 18 and 20 is a relative term which renders the claim indefinite. The term "designated sorts" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The problem with "designated sorts" is its dual interpretation in the context that it is employed. It is not clear if

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“designated sorts” is used to mean “a kind of”, “category of”, or if “designated sorts” is used to mean data sorted by rearrangement as in data sorted alphabetically.

Although the specification makes use of “sorts” by way of “a kind of” or “category of”. It is clear if the claims were meant to carry the same interpretation since the claims deal with databases and designated sorts (rearranging data) as applied to databases easily implies sorting alphabetically A-to-Z or Z-to-A, etc. The claims will be interpreted as the prior, that is as “a kind of” or “category of”.

6. Claims 1, 8, 14, 18 and 20 recite the limitation "the pair of objects" in p. 63 - first line, p.66 – line 15, p. 70 – line 7, p. 73 – line 12, and p. 76 – line 7. There is insufficient antecedent basis for this limitation in the claim. Furthermore, it is uncertain which two objects (pair) are being referenced, since there is no previous reference to a specified two or paired objects.

### *Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, 8, 9, 14, 15, 18 and 20 are rejected under 35 U.S.C. 102(e) as being unpatentable over Rhoads (US 2003/0110185 A1).

A. Rhoads discloses claim 1, “An information display system for making a computer display objects including position information on an electronic map [para. 0032, at: displays a map of a

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region, with push pins shown by icons or other graphic indicia], said information display system comprising:

a database in which objects including position information and attribute information different from the position information are stored [para. 0032 – 0033, at: The icons may have different colors or shapes, revealing some of their attributes. One shape may denote an image object, another an audio object, another a text document, another a weather report, etc. Likewise, an icon presented in green may represent fresh data (e.g., within the past day or week), whereas an icon presented in brown may represent dated information (e.g., dating from a month or more ago). A spectrum of colors can be employed to indicate gradations in attributes.

In databases used for mapping purposes, it is sometimes helpful to have the icon indicate whether the associated data is characterized by earth-sphere-related placement alone (e.g., latitude/longitude, street address, etc.), or also includes an elevation component.];

an electronic map storage section in which the electronic map is stored [para. 0012, 0017, 0043, wherein ‘displayed map’ and ‘virtual map’ correspond to “electronic map”];

a set forming section which forms at least a certain number of sets of objects positioned in proximity with each other and including a set of objects by selecting the objects [para. 0036] including a certain number of designated sorts of the attribute information within a predetermined distance [para. 0043, at: ‘geographical proximity bases’ and ‘Pins within this determined range can be checked against any specified filtering parameters (e.g., meta-data associated with the object must include the word "Troutdale," or its specified "radius of interest" must encompass 45.539 N, 122.386 W)’];

an arrangement for selecting the objects contained in each of the sets by locating position coordinates in the electronic map on which display is performed [para. 0017, 0026, 0030], displaying the selected objects according to the designated attributes of the selected objects while assigning an indicating figure corresponding to the pair of the objects, and designating position coordinates for the objects and the indicating figure to be displayed [para. 0043 - 0044]; and an arrangement for placing the objects and the indicating figure on the electronic map by using the designated position coordinates [para. 0044 – 0047, 0051]” [as detailed].

B. Rhoads discloses claim 2, “The information display system according to claim 1, wherein said designation method includes an arrangement for determining, by using the predetermined distance, the size of the indicating figure as such a size that the objects to be displayed are contained inside the area defined by the indicating figure, and an arrangement for changing display parameters for the indicating figure by using a threshold value with respect to a target attribute class [para. 0021 – 0036, and 0051 – 0054: wherein ‘push pins’ correspond to “indicating figure”; ‘resolution’, ‘radius of interest’, ‘square or circular border’, ‘gores’ corresponds to “predetermined distance”; ‘push pins’, ‘data structure’ ‘data object (photo, etc.)’ correspond to “size of indicating figure”; and ‘The size of the push pin thus reflects a compromise between the amount of data that is to be literally encoded within the push pin, and the amount that is stored externally’; minimally data object represented by push pins corresponds to “target attribute class”]” supra for claim 1 and [as detailed].

C. Rhoads discloses claim 3, “The information display system according to claim 1, wherein said designation method includes an arrangement for determining the size of the indicating figure according to the scale of the electronic map, and said placement method locates the boundary of

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the indicating figure on the electronic map and places a portion of the indicating figure contained in the electronic map on which the display is performed [para. 0021 – 0030, 0032, 0051; wherein ‘push pins’ correspond to “indicating figure”]” supra for claim 1 and [as detailed].

D. Per independent claims 8, 14, 18 and 20, these are directed to a method, program, computer readable storage and GUI system, respectively, for the system of independent claim 1 and portions of dependent claim 2, and therefore are rejected to independent claim 1 and dependent claim 2.

E. Per dependent claim 9, this is directed to a method for the system of dependent claim 3, and therefore is rejected to dependent claim 3.

F. Per dependent claim 15, this is directed to a program for the system of dependent claims 2 and 3, and therefore is rejected to dependent claims 2 and 3.

### *Response to Arguments*

9. Applicant's arguments filed 11/30/2006 have been fully considered but they are not persuasive. Because these inventions are distinct and have acquired a separate status in the art as shown by their different classification, it would place a serious burden on the examiner to search and examine these multiple inventions.

While it was erroneous listing claim 20 in Group I since claim 20 has GUI features not found in any of the other claims, examination of claim 20 will proceed although it constitutes an additional burden.

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*Responses*

10. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

*Inquiries*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-7784.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The Central FAX Number for the organization where this application or proceeding is assigned is **571-273-8300**.

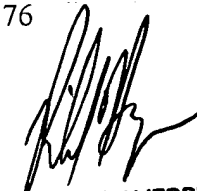
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Gregory F. Cunningham  
Examiner  
Art Unit 2676

gfc

2/17/2006



**RICHARD HJERPE**  
**SUPERVISORY PATENT EXAMINER**  
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